

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

Y.

RUSSELL CATES,

Defendant.

Case No. 2:20-mj-519-VCF

FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good appearing therefore, the Court hereby finds that:

1. The parties desire to continue the preliminary hearing to facilitate pre-indictment resolution. A plea agreement has been reached between the parties, and the agreement has been submitted for the court's consideration. The Court finds good cause to continue the hearing to allow the court additional time to decide whether to accept the plea.

2. Both counsel for defendant and counsel for the government agree to the continuance

3. Defendant is in custody and agrees to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow the court an opportunity to examine the merits of this case before deciding whether to accept the parties' plea agreement.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

6. The additional time requested by this stipulation is excludable in computing the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

THEREFORE, IT IS HEREBY ORDERED that the preliminary hearings in the above-captioned matter, previously scheduled for May 26, 2021, at 4:00 p.m., be vacated and continued to July 6, 2021 at 4:00 pm in LV Courtroom 3D before Magistrate Judge Cam Ferenbach.

DATED this 20th day of May, 2021.

**HONORABLE CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE**